SUBJECT No. 32.

Execution of certain civil decrees by Presidents of Municipal Councils.

Messrs. Venkatakrishniah and M. C. Rangiengar, Mysore City Municipality.

Summary of discussion.—Decrees passed by civil courts for the partition of houses or building sites within municipal limits should be transferred to the President of the Municipal Council for execution as commissioner. The President may be given power either to effect a partition as decreed, if such partition does not contravene any building bye-laws, or to assign the property itself to one and cause compensation in money to be paid to the other or others of the parties entitled to shares under the decree.

Reply of Government.—Noted for consideration.

SUBJECT No. 33.

Trial of petty cases of theft by patels.

Mr. Lakshminaranappa, Heggaddevankote Taluk.

Summary of discussion.—Petty thefts of crops are of frequent occurrence in villages far away from taluk head-quarters. Such cases cannot be successfully prosecuted owing to the distance from taluk head-quarters. Patels may therefore be empowered to try such petty cases. In places where the patel is illiterate the village shanbhog may be authorized to conduct the proceedings in the presence of the patel.

Reply of Government.—Noted. All patels are not fit to be entrusted with such powers.

SUBJECT No. 34.

A committee to enquire into the causes of delay in the disposal of civil cases.

Mr. V. Raghavachar, Mysore Taluk.

Summary of discussion.—The long delay in the disposal of contested civil cases, both original and appeal, has often been brought to the notice of Government by members of this Assembly. Delay in such matters causes pecuniary loss. A committee of two or more judges may therefore be appointed to enquire into the matter fully and to suggest remedial measures. One practical remedy would be to appoint more judges.

Reply of Government.—The matter will be referred to the Chief Court, but practical remedies may be considered and suggested by the member and by the Law Associations.

SUBJECT No. 35.

A special officer to hold confidential enquiries on matters affecting the administartion and other important matters relating to Government or the people.

Mr. K. Sankaranarayan Rao, Nagar Sabha.

Withdrawn.

SUBJECT No. 36.

(*a*) Abolition of the Central *Nazarath* system.

(*b*) Procedure of process servers.

Summary of discussion.—(*a*) Under the Central *Nazarath* system, the civil court processes are not served upon the parties and witnesses in time and this leads to delay in the disposal of cases. The system may be modified.

(*b*) (i) In reply to Subject No. 27 of 1906, *viz.*, that the process servers of the civil courts give a lot of trouble to parties in civil cases, it was stated that the

(c) Fresh *batta* for second or subsequent summonses.

(d) Time for the payment of process fees for the issue of summonses in civil courts.

(a) Messrs. V. Raghavachar, Mysore Taluk, and S. R. Balakrishna Rao, Shimoga Municipality.

(b) Mr. Lakshminaranappa, Heggaddevankote Taluk.

(c) and (d) Mr. S. R. Balakrishna Rao, Shimoga Municipality.

question was referred to the Chief Court. Final orders may be passed early.

(ii) The process servers may be required to obtain the signatures of patel and shanbhog of every village wherein the processes are served on the parties.

(c) The rule whereby parties are required to deposit fresh batta, whether the previous deposit was spent or not, works as a hardship on the parties. The Central *Nazir* may be directed to certify on each process whether the batta was or was not spent. If it is known when the case is taken up that the *batta* has not been spent, the party will simply pay the process fee and request that the unspent *batta* may be utilized.

(d) If the issue of summonses within a week after the party gives his statement in civil courts is not secured, 2½ times the fees otherwise payable are levied. This puts parties to heavy loss. At least ten days' time may be granted if the date of hearing should be after a month and only double the fees levied as penalty for delay.

Reply of Government.—Will be considered.

SUBJECT No. 37.

Appointment of paid copyists.

Mr. Lakshminaranappa, Heggaddevankote Taluk.

Summary of discussion.—Parties in civil and criminal cases are unable to pay the present heavy copying fees. Paid copyists may be employed on a fixed salary and the present copying fees reduced by one-half. In places where the income is not adequate to meet the salary of the man, the clerks concerned may write copies, taking half the present fees.

Reply of Government.—The fees which copyists now get are very low and it is impracticable to reduce them further.

SUBJECT No. 38.

Dismissal of criminal complaints.

Mr. Lakshminaranappa, Heggaddevankote Taluk.

Summary of discussion.—In criminal courts, a case is dismissed if the complainant does not appear before the court when called. In taluks, the magistrates sometimes attend office at 11 A.M. and at other times at 2 P.M. So it is prayed that the time for dismissing the complaints may be fixed at 5 P.M.

Reply of Government.—It is impossible to make rules for such matters. If specific cases of wilful dismissal of complaints by resorting to such expedients are brought to the notice of Government, suitable disciplinary action will be taken.

SUBJECT No. 39.

Institution fees in civil suits.

Messrs. Lakshminaranappa, Heggaddevankote Taluk; and M. C. Rangaiengar, Mysore City Municipality.

Summary of discussion.—The practice in civil courts is to levy full institution fee when suits are filed. In cases in which half the institution fee is ordered to be refunded, parties are put to much inconvenience and cost. So half the fee may be levied at the time of institution and